

IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

PHILADELPHIA CONSOLIDATED  
HOLDING CORP. d/b/a PHILADELPHIA  
INSURANCE COMPANIES,

Appellee,

v.

LSI-LOWERY SYSTEMS, INC.,

Appellant.

Case No.: 13-3397

**STATEMENT OF ISSUES**  
**OF APPELLANT LSI-LOWERY SYSTEMS, INC.**

COMES NOW the Separate Appellant LSI-Lowery Systems, Inc. ("LSI") and, for its Statement of Issues, states as follows:

**I. STATEMENT OF ISSUES.**

1. Whether the District Court erred in its judgment dated October 9, 2013 (Doc. 74,75) granting the Motion for Summary Judgment filed by Plaintiff-Appellee Philadelphia Consolidated Holding Corp., d/b/a Philadelphia Insurance Companies ("PIC") (doc. Nos. 50, 52) and holding that PIC has no duty to defend or indemnify Defendant-Appellant LSI against the claims asserted by Hodell in the separate action pending in the Northern District of Ohio, Eastern Division as Case No. 1:08-cv-2755.

Respectfully submitted,

/s/ Timothy K. Kellett

Timothy K. Kellett, 26555MO  
Attorney for separate Defendant  
LSI-Lowery Systems, Inc.  
911 Washington Avenue - Suite 400  
St. Louis, Missouri 63101-1208  
(314) 241-4505  
(314) 241-7779 (Fax)  
tkellett@hrkllc.com  
*Attorney for LSI-Lowery Systems, Inc.*

CERTIFICATE OF SERVICE

I certify that on November 13, 2013, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Timothy K. Kellett

Timothy K. Kellett (Mo.Bar No. 26555)  
*Attorney for LSI-Lowery Systems, Inc.*